S.B. Civil Writ Petition NO.4601/2004

Satya Narayan

vs

State of Rajasthan & Ors.

DATE OF ORDER : - 10.5.2005.

HON'BLE MR. PRAKASH TATIA,J.

Mr.KN Joshi, for the petitioner.
Mr.Lalit Kawadia, for the respondents.

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Heard learned counsel for the parties.

The petitioner is aggrieved against the order dated 2nd Sept., 2004 by which the petitioner was directed to pay the land conversion charges and directed to leave the setback while raising construction and apart from above, it has been ordered that the setback area will have to be surrendered to the Municipal Council, Udaipur.

According to learned counsel for the petitioner, the petitioner raised several objections and the non-petitioner has raised objection that the order under challenge is revisable as the revision petition is maintainable against the order and also raised other objection about the maintainability of the writ petition, but at the same time, in view of the

various decisions of this Court on the issue and since the impugned order is not a reasoned order, therefore,the writ petition can be disposed of by directing the appropriate body/office of the Municipal Council, Udaipur to decide the matter afresh after giving opportunity of hearing to the petitioner so that the Municipal Council, Udaipur may pass a brief reasoned order.

However, looking to the facts of the case and looking to the impugned order dated 2nd May, 2004, it will be appropriate to direct the Municipal Council, Udaipur to decide the matter afresh after giving opportunity to the petitioner in view of the fact that petitioner wants to raise some legal objections.

The respondent-Municipal Council, Udaipur is directed to decide the matter afresh after taking into account all the relevant facts, which may be relevant in view of the Municipal Council, Udaipur and after considering all the objections of the petitioner and the Municipal Council, Udaipur may take into account all the relevant admissions of the petitioner, which he wants to rely upon also and effect of the admissions.

Hence, the writ petition of the petitioner is disposed of. Since the present order has been passed in peculiar facts and circumstances of

the case, therefore, this Court has not decided any point of law nor declared any law. Therefore, this is a case decided on facts of it.

(Prakash Tatia), J.

c.p.goyal/-